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EXAMINER

YIGDALL, MICHAEL J

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 03/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

DM

Office Action Summary

Application No.

09/741,986

Applicant(s)

EATOUGH ET AL.

Examiner

Michael J. Yigdall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-26 are pending and have been examined. The priority date considered for the application is 20 December 2000.

Claim Objections

2. Claims 25 and 26 objected to because of the following informalities: The claims recite further limitations to the apparatus of claim 24 using language that suggests method steps. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,675,382 to Foster in view of U.S. Pat. No. 6,279,154 to Davis.

With respect to claim 1, Foster discloses a software management system (see the title and abstract), comprising a package agent to receive, deploy and execute an X-package at a target computer (see FIG. 4 and column 9, lines 19-46, which shows the installation, i.e. the deployment and execution, of a software package; see also column 12, lines 25-35, which shows that the software package may be received from a remote server).

Although Foster discloses creating and distributing a software package (see column 3, lines 47-52), as well as the means to install, upgrade and remove a package (see column 4, lines 19-26), Foster does not expressly disclose a vendor package template and a package importer to create a package based on the vendor package template.

However, Davis discloses a third-party component configuration file (i.e. a vendor package template) and the means to import the configuration file or template and create a corresponding list of installation tasks (see column 3, lines 44-51, and column 4, lines 1-9 and 20-24), in a system that enables users to install and configure third-party applications using a single, common interface (see column 1, lines 43-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the package importing features taught by Davis with the system of Foster, in order to provide a common interface for managing software packages from a plurality of third parties or vendors.

With respect to claim 2, Foster further discloses the limitation wherein said package importer receives a user identity for recording (see column 8, lines 31-33, which shows a user identity associated with the software package).

With respect to claim 3, although Foster discloses vendor-supplied software packaging systems (see column 2, lines 8-13), Foster does not expressly disclose the limitation wherein said at least one software package includes packages from different vendors.

However, Davis discloses an installation system that includes packages from a plurality of third parties or vendors and enables users to manage them using a single, common interface (see column 1, lines 43-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include packages from different vendors in the Foster system, in order to provide a common interface for managing software packages from a plurality of sources as taught by Davis.

With respect to claim 4, Foster further discloses the limitation wherein said X-package includes a substantially uniform set of attributes that allows said at least one software package to be managed in a single user interface (see column 7, lines 35-45, which shows the control file associated with a package having a uniform set of attributes, and lines 55-63, which shows a list of such attributes).

With respect to claim 5, Foster further discloses the limitation wherein said package importer tags said X-package with a signature (see column 11, lines 61-64, which shows a digital signature associated with a package).

With respect to claim 6, Foster further discloses an authentication element to provide verification of the X-package by validating the signature in the X-package with a list of certificates trusted by the target computer (see column 12, lines 1-5, which shows verifying the authenticity of the package by checking the signature).

With respect to claim 7, Foster further discloses a script extractor to extract an X-package script (see column 7, lines 14-17, which shows decompressing or extracting the contents of a package, and lines 35-45, which shows the control file or script associated with the package).

With respect to claim 8, although Foster discloses vendor-supplied software packaging systems (see column 2, lines 8-13), Foster does not expressly disclose the limitation wherein said X-package script includes logic for interacting with a vendor-specific package agent.

However, Davis discloses interacting with vendor-specific packages (see column 3, lines 44-51, and column 4, lines 1-9), in a system that enables users to install and configure third-party applications using a single, common interface (see column 1, lines 43-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the vendor-specific features taught by Davis with the system of Foster, in order to provide a common interface for managing software packages from a plurality of third parties or vendors.

With respect to claim 9, Foster further discloses the limitation wherein said X-package script includes logic for interacting with multiple operating systems (see column 12, lines 56-67, which shows having platform-independent logic for use with multiple operating systems).

With respect to claim 10, Foster further discloses the limitation wherein said X-package further includes a name of a user who imported said at least one software package (see column 8, lines 31-33, which shows including the name of a user in the software package).

With respect to claim 11, Foster further discloses the limitation wherein said X-package further includes a hash of package files included in said at least one software package (see column 11, line 61 to column 12, line 10, which shows using an encryption mechanism to protect against and identify any tampering of the files in a package, i.e. using a hash).

With respect to claim 12, Foster further discloses the limitation wherein said package agent checks relevant operating system of said at least one software package (see column 10, lines 53-61, which shows checking the operating system to determine whether the software package is compatible).

With respect to claim 13, Foster further discloses the limitation wherein said package agent downloads any needed files (see column 12, lines 44-46, which shows downloading any needed files).

With respect to claim 14, Foster further discloses the limitation wherein said package agent reports status (see column 10, lines 57-61, which shows reporting the status of the package).

With respect to claim 15, Foster discloses a software management system (see the title and abstract), comprising:

(a) a distribution management server (see column 12, lines 13-24, which shows a remote distribution source or server); and

(b) a plurality of target computers (see column 12, lines 13-14, which shows a local client computer, i.e. a target computer; see also FIG. 1, which shows that the target computer exists in a

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network environment, for example as one of a plurality of target computers), each target computer including:

(i) an authentication element to provide verification of the X-package by validating the signature in the X-package with a list of certificates trusted by the target computer (see column 12, lines 1-5, which shows verifying the authenticity of the package by checking the signature);

(ii) a script extractor to extract an X-package script (see column 7, lines 14-17, which shows decompressing or extracting the contents of a package, and lines 35-45, which shows the control file or script associated with the package);

(iii) a package agent to receive, deploy and execute said X-package at the target computer (see FIG. 4 and column 9, lines 19-46, which shows the installation, i.e. the deployment and execution, of a software package; see also column 12, lines 25-35, which shows that the software package may be received from a remote server).

Although Foster discloses creating and distributing a software package (see column 3, lines 47-52), as well as the means to install, upgrade and remove a package (see column 4, lines 19-26), Foster does not expressly disclose a vendor package template and a package importer to create a package based on the vendor package template.

However, Davis discloses a third-party component configuration file (i.e. a vendor package template) and the means to import the configuration file or template and create a corresponding list of installation tasks (see column 3, lines 44-51, and column 4, lines 1-9 and 20-24), in a system that enables users to install and configure third-party applications using a single, common interface (see column 1, lines 43-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the package importing features taught by Davis with the system of Foster, in order to provide a common interface for managing software packages from a plurality of third parties or vendors.

Foster further discloses the limitation wherein said package importer tags said X-package with a signature (see column 11, lines 61-64, which shows a digital signature associated with a package).

With respect to claim 16, although Foster discloses vendor-supplied software packaging systems (see column 2, lines 8-13), Foster does not expressly disclose the limitation wherein said at least one software package includes packages from different vendors.

However, Davis discloses an installation system that includes packages from a plurality of third parties or vendors and enables users to manage them using a single, common interface (see column 1, lines 43-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include packages from different vendors in the Foster system, in order to provide a common interface for managing software packages from a plurality of sources as taught by Davis.

With respect to claim 17, Foster further discloses the limitation wherein said X-package includes a substantially uniform set of attributes that allows said at least one software package to be managed in a single user interface (see column 7, lines 35-45, which shows the control file

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associated with a package having a uniform set of attributes, and lines 55-63, which shows a list of such attributes).

With respect to claim 18, Foster discloses a method for distributing vendor-specific software to target computers (see the title and abstract), comprising transferring an X-package to target computers (see column 12, lines 25-35, which shows transferring a software package from a remote source to a target computer) and processing an X-package script (see column 9, lines 19-46, which shows processing a control file or script).

Although Foster discloses creating and distributing a software package (see column 3, lines 47-52) having a control file or script (see column 7, lines 35-45), Foster does not expressly disclose importing the vendor-specific software using a vendor package template to create an X-package having a script.

However, Davis discloses a third-party component configuration file (i.e. a vendor package template) and importing the configuration file or template to create a corresponding list of installation tasks (see column 3, lines 44-51, and column 4, lines 1-9 and 20-24), in a system that enables users to install and configure third-party applications using a single, common interface (see column 1, lines 43-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the package importing features taught by Davis with the system of Foster, in order to provide a common interface for managing software packages from a plurality of third parties or vendors.

With respect to claim 19, Foster further discloses authenticating the X-package by validating a signature on said X-package (see column 12, lines 1-5, which shows verifying the authenticity of the package by checking the signature).

With respect to claim 20, Foster further discloses extracting the script from said X-package for processing (see column 7, lines 14-17, which shows decompressing or extracting the contents of a package, and lines 35-45, which shows the control file or script associated with the package).

With respect to claim 21, Foster further discloses the limitation wherein said processing said X-package script includes checking a relevant operating system of the vendor-specific software (see column 10, lines 53-61, which shows checking the operating system to determine whether the software package is compatible).

With respect to claim 22, Foster further discloses the limitation wherein said processing said X-package script includes downloading all relevant files (see column 12, lines 44-46, which shows downloading all relevant files).

With respect to claim 23, Foster further discloses the limitation wherein said processing said X-package script includes reporting status (see column 10, lines 57-61, which shows reporting the status of the package).

With respect to claim 24, Foster discloses an apparatus comprising a machine-readable storage medium having executable instructions (see mass storage 112 in FIG. 1; see also column 12, lines 56-67, which shows executable instructions) that enable the machine to transfer an X-

package to target computers (see column 12, lines 25-35, which shows transferring a software package from a remote source to a target computer) and process an X-package script (see column 9, lines 19-46, which shows processing a control file or script).

Although Foster discloses creating and distributing a software package (see column 3, lines 47-52) having a control file or script (see column 7, lines 35-45), Foster does not expressly disclose importing the vendor-specific software using a vendor package template to create an X-package having a script.

However, Davis discloses a third-party component configuration file (i.e. a vendor package template) and importing the configuration file or template to create a corresponding list of installation tasks (see column 3, lines 44-51, and column 4, lines 1-9 and 20-24), in a system that enables users to install and configure third-party applications using a single, common interface (see column 1, lines 43-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the package importing features taught by Davis with the system of Foster, in order to provide a common interface for managing software packages from a plurality of third parties or vendors.

With respect to claim 25, Foster further discloses authenticating the X-package by validating a signature on said X-package (see column 12, lines 1-5, which shows verifying the authenticity of the package by checking the signature).

With respect to claim 26, Foster further discloses extracting the script from said X-package for processing (see column 7, lines 14-17, which shows decompressing or extracting the

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contents of a package, and lines 35-45, which shows the control file or script associated with the package).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. No. 6,381,742 to Forbes et al. discloses a software package management system for distributing, installing and removing software packages created with an XML-based manifest or script file.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdal whose telephone number is (703) 305-0352. The examiner can normally be reached on Monday through Friday from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Michael J. Yigdall
Examiner
Art Unit 2122

mjy
February 27, 2004



**TUAN DAM
SUPERVISORY PATENT EXAMINER**